



PATENT
Customer No. 22,852
Attorney Docket No. 09065.0006-00000

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:)	
)	
Robert Frederick VEASEY et al.)	Group Art Unit: 4111
)	
Application No.: 10/790,025)	Examiner: PATEL, Shefali Dilip
)	
Filed: March 2, 2004)	
)	
For: PEN-TYPE INJECTOR)	Confirmation No. 9747

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

RESPONSE TO RESTRICTION/ELECTION REQUIREMENT

In the Restriction/Election Requirement dated October 30, 2007, the Examiner required an election of one of the following allegedly patentably distinct species:

- I. Species of Figures 1-5;
- II. Species of Figure 6;
- III. Species of Figure 7; and
- IV. Species of Figure 10.

Applicant does not necessarily agree with the various characterizations and assertions set forth in the Office Action regarding the allegedly patentably distinct species. Nonetheless, Applicant provisionally elects to prosecute the Species of Figures 1-5 with traverse.

The Examiner further required Applicant to identify all claims that "read on" the elected species and any generic claims. Applicant submits that claims 1-3, 7, 8, 11-15,

and 17 are generic. Applicant further submits that claim 4, 9, and 18 "read on" Figures 1-5. Claims 5, 6, 10, and 16 are thus withdrawn from consideration as drawn to a non-elected species.

Applicant traverses this requirement for the following reasons. Applicant submits that the examiner will not be unduly burdened by searching the four (4) dependent claims that do not read on the elected species. The examiner has not shown that the non-elected species have a separate classification, have a separate status in the art, or require a different field of search from species I, as required by MPEP 808.02. Specifically, Applicant submits that a search for the device depicted in species I will likely yield references relevant to the devices depicted in species II, III, and IV. Applicant requests withdrawal of the species requirement and consideration of the merits of claims 1-18.

Applicant understands that upon allowance of a generic claim, any non-elected claim depending from the allowed generic claim will be rejoined and also allowed.

Please grant any extensions of time required to enter this response and charge any additional required fees to our deposit account 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER, L.L.P.

Dated: November 30, 2007

By:


Elizabeth M. Burke

Reg. No. 38,758